

Claims:

1. (Currently Amended) A bipolar electrosurgical instrument, comprising:
 - a handle at a proximal end;
 - active and return electrodes at a distal end electrically insulated from one another;
 - a shaft extending between the handle and the distal end;
 - a converting element including an electrically conductive portion, the converting element being slidably movable between a first extended position wherein the electrically conductive portion is in electrical contact with the active electrode and not the return electrode so as to form part of the active electrode and thereby increasing an effective surface area of the active electrode relative to the return electrode, and a second retracted position wherein the electrically conductive portion is not in electrical contact with the active electrode to thereby decreasing the effective surface area of the active electrode relative to the return electrode as compared to the first position, wherein the instrument uses bipolar energy in both the first and second positions.
2. (Original) The instrument according to claim 1, wherein in the second position the converting element is in electrical contact with the return electrode.
3. (Currently Amended) The instrument according to claim 1, wherein in the first position, the effective a surface area of the active electrode relative to the return electrode ~~is~~ is substantially greater than in the second position.
4. (Original) The instrument according to claim 1, wherein in the second position, a surface area of the active electrode is less than a surface area of the return electrode.
5. (Original) The instrument according to claim 4, wherein in the second position the converting element is in electrical contact with the return electrode and forms part of the return electrode.

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6. (Original) The instrument according to claim 1, further comprising an activating element disposed on the handle and being movable between a first position and a second position, the activating element being coupled to the converting element such that moving the activating element between the first and second position moves the converting element between the converting element first and second positions respectively.

7. (Original) The instrument according to claim 1, wherein the electrically conductive portion of the converting element is concentrically disposed about the active electrode.

8. (Previously Presented) The instrument according to claim 1, further comprising an insulating member concentrically disposed about a portion of the active electrode between the active electrode and the converting element but exposing a tip portion of the active electrode, wherein when the converting element is in the second position the insulating member entirely insulates the active electrode from the electrically conductive portion of the converting element, and wherein when the converting element is in the first position, the insulating member does not entirely insulate the active element from the electrically conductive portion of the converting element.

9. (Original) The instrument according to claim 1, further comprising a fluid delivery channel extending between a fluid inlet at the proximal end of the instrument and at least one fluid outlet disposed in proximity to the active electrode.

10. (Original) The instrument according to claim 1, further comprising a vacuum delivery system extending between a vacuum inlet at the proximal end of the instrument and at least one vacuum outlet disposed in proximity to the active electrode.

11. (Original) The instrument of claim 1, further comprising a plurality of active electrodes and at least one return electrode.
12. (Original) The instrument of claim 1, wherein the instrument is electrically coupled to an electrosurgical generator for providing electrosurgical energy to the active electrode.
13. (Currently Amended) A bipolar electrosurgical instrument, comprising:
 - a handle at a proximal end;
 - active and return electrodes at a distal end electrically insulated from one another;
 - a shaft extending between the handle and the distal end; and
 - means for changing an effective surface area ratio of the active electrode relative to the return electrode by slidably moving a conductive converting element between a first extended position wherein it is in electrical contact with and forms part of the active electrode, and a second retracted position wherein it is not in electrical contact with and does not form part of the active electrode.
14. (Original) The instrument according to claim 13, wherein the means for changing further comprises a converting element having an electrically conductive portion, the converting element being movable between a first position wherein it is in electrical contact with the active electrode and not the return electrode, and a second position wherein it is not in electrical contact with the active electrode.
15. (Currently Amended) A method for electrosurgically treating target tissue, comprising:
 - providing a bipolar electrosurgical instrument having active and return electrodes at a distal end that are electrically insulated from one another, and a converting element having an electrically conductive portion, the converting element being movable between a first extended position and a second retracted position wherein in the first position the electrically conductive portion of the converting element is in electrical contact with and forms part of the active electrode and

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wherein in the second position the electrically conductive portion is not in electrical contact with the active electrode, so that when in the first position to thereby increase an effective surface area of the active electrode is greater than relative to when it is in the second position;

using bipolar energy to treat a first target tissue with the converting element in the first or second position;

moving the converting element to the other one of the first or second positions; and

using bipolar energy to treat a second target tissue with the converting element in the other one of the first or second positions.

16. (Original) The method according to claim 15, wherein the first and second target tissues are the same tissue.

17. (Original) The method according to claim 15, wherein the first and second target tissues are different.

18. (Original) The method according to claim 15, wherein when the instrument is in the second position the instrument is better suited to cut or vaporize tissue than in the first position.

19. (Original) The method according to claim 15, wherein when the instrument is in the first position the instrument is better suited to coagulate tissue than in the second position.

20. (Original) The method according to claim 15, further comprising:

delivering an electrically conductive fluid to the vicinity of the active electrode while treating the tissue with the converting element in the second position.

21. (Currently Amended) A method for electrosurgically treating tissue comprising:

providing a bipolar electrosurgical instrument having active and return electrodes at a distal end and a means for changing an effective surface area ratio of

the active electrode relative to the return electrode, the means for changing being
slidable between a first extended position wherein an electrically conductive portion
of said means for changing is in electrical contact with and forms part of the active
electrode, and a second retracted position wherein the electrically conductive portion
is not in electrical contact with and does not form part of the active electrode;

using bipolar energy to treat tissue using the instrument with a first surface area ratio of the active electrode relative to the return electrode;

using the means for changing to change to a second surface area ratio of the active electrode relative to the return electrode; and

using bipolar energy to treat tissue using the instrument with the second surface area ratio.

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